



SO ORDERED.

SIGNED this 6th day of September, 2018

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**



Suzanne H. Bauknight

UNITED STATES BANKRUPTCY JUDGE

*IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

AMY MICHELE TOLLIVER,

Case No. 3:18-bk-31730-SHB

Chapter 7

Debtor.

**ORDER AUTHORIZING MICHAEL H. FITZPATRICK, TRUSTEE,
TO SELL REAL PROPERTY OF THE ESTATE FREE AND CLEAR
OF LIENS WITH LIENS ATTACHING TO PROCEEDS**

This case came before the Court for hearing September 6, 2018, upon the Trustee's Joint Motion to Sell Real Property of the Estate free and clear of any and all lien rights of creditors with any lien rights attaching to the proceeds of the sale concerning the real generally known as 978 Reed Bull Road, New Market, Jefferson County, TN, after service of a copy of the Joint Motion to Sell, contract and this proposed Order together with a notice for hearing pursuant to 11 U.S.C. § 363 and the applicable bankruptcy rules upon all required parties. Notice was given to the mortgage lien holder via certified U.S. Mail. No objections were filed. The Court is therefore of the opinion that the relief should be granted as requested.

1. That the Trustee is authorized to sell the real property of the debtor generally known as 978 Reed Bull Road, New Market, Jefferson County, TN, to Michael E. Carey, or his designee, for not less than the gross purchase price of \$93,500.00 subject and pursuant to the terms of the real estate sales agreement appended to the motion.
2. There is a 6% Realtor's commission which may be paid at the sale closing.
3. **That the sale shall be free and clear of all liens of record. All such liens shall attach to the proceeds of sale in the order and priority that existed on the day the bankruptcy case was filed. The lien claim of DiTech Financial, LLC shall be paid in full at closing if it BOTH files a proof of claim and proves the amount of its debt required to pay the claim at closing in full (the payoff) and its lien on the property to the satisfaction of the trustee not less than 24 hours prior to closing. The trustee may waive the requirement of filing a claim if he is otherwise satisfied with the proof of the payoff from DiTech Financial, LLC. If DiTech Financial, LLC fails to do so, its lien shall be released as a lien on the real property and such lien shall transfer to the proceeds of sale. The trustee shall thereafter pay the lien claim of DiTech Financial, LLC once it in fact proves the amount of its claim and the validity of its lien.**
4. The estate shall be responsible for real estate taxes for all years prior to 2018. The parties will pro rate 2018 real property taxes.
5. The Trustee shall pay the usual and customary closing costs of a seller.
6. The Trustee shall file a report of sale within 10 days following sale.
7. The 14-day stay that would otherwise be applicable under Fed. R. Bankr. P. 6004(h) shall not apply and this Order shall be immediately effective as of the date of its entry.
8. The trustee shall hold the net proceeds from the sale subject to the further orders of this court.

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APPROVED:

/s/ Michael H. Fitzpatrick

Michael H. Fitzpatrick, Trustee
BPR No. 006033

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